

ASSEMBLY BILL

No. 1109

Introduced by Assembly Member Huffman

February 23, 2007

An act to add Article 10.02 (commencing with Section 25210.9) to Chapter 6.5 of Division 20 of the Health and Safety Code, and to add Section 25402.5.5 to the Public Resources Code, relating to energy resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1109, as introduced, Huffman. Energy resources: lighting efficiency: hazardous waste.

(1) Existing law, administered by the Department of Toxic Substances Control, prohibits the management of hazardous waste, except in accordance with the hazardous waste laws or the regulations adopted by the department. A violation of the hazardous waste control law is a crime.

The State Energy Resources Conservation and Development Commission is required to prescribe by regulation standards for energy conservation and efficiency, including the adoption of efficiency standards for outdoor lighting.

This bill would enact the California Lighting Efficiency and Toxics Reduction Act and would require the department to prescribe, by regulation, schedules for reducing the maximum levels of mercury and lead, per lumen, in general purpose lights, as defined, sold or offered for sale in this state. Every manufacturer of general purpose lights sold in this state and containing hazardous materials would be required by July 1, 2009, to ensure a system is in place for collection and recycling of end-of-life general purpose lights generated in this state, and submit

to the department a collection, recycling, and management plan fulfilling certain requirements, by July 1, 2008.

Because a violation of this bill's requirements would be a crime, the bill would impose a state-mandated local program.

The commission would be required to take certain specified actions to reduce energy consumption for lighting in this state by 50% by 2018.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 California Lighting Efficiency and Toxics Reduction Act.
- 3 SEC. 2. The Legislature finds and declares all of the following:
- 4 (a) This state has long been a national and international leader
- 5 on energy conservation and environmental stewardship efforts,
- 6 including the areas of air quality protections, energy efficiency
- 7 requirements, renewable energy standards, natural resource
- 8 conservation, toxic waste reduction, recycling and greenhouse gas
- 9 emission reduction.
- 10 (b) Energy consumption for lighting accounts for nearly 20
- 11 percent of the state's electricity demand. The energy efficiencies
- 12 of existing lighting technologies vary significantly, and while
- 13 California leads the nation in the use of energy efficient compact
- 14 fluorescent lighting, more than 94 percent of current light bulb
- 15 purchases are for less efficient incandescent bulbs.
- 16 (c) Transitioning to currently available higher efficiency lighting
- 17 technologies will substantially reduce energy consumption and
- 18 pollution, including reducing greenhouse gas emissions, while
- 19 lowering costs to consumers.
- 20 (d) Switching from existing incandescent lamps to longer lasting,
- 21 higher efficiency compact fluorescent lamps (CFLs) will reduce
- 22 energy consumption, result in a California CO₂ emission reduction
- 23 of 2.5 million metric tons, and save consumers thirty dollars (\$30)

1 to sixty dollars (\$60) per light over the life (five to eight years) of
2 a CFL.

3 (e) Many existing lighting choices contain toxic materials. Most
4 fluorescent lighting products contain hazardous levels of mercury.
5 Most incandescent lighting products contain hazardous levels of
6 lead. California prohibits disposing of hazardous lighting products
7 in the solid waste stream. The hazardous material in these products
8 can be managed through recycling, but current recycling
9 opportunities and levels are virtually nonexistent for most
10 consumers.

11 (f) Fluorescent lighting products delivering the same level of
12 light at the same level of efficiency can have widely varying levels
13 or mercury. The California Department of General Services has
14 adopted a procurement preference favoring Leadership in Energy
15 and Environmental Design (LEED) compliant low mercury
16 fluorescent lamps.

17 (g) Coal generated electricity in the United States accounts for
18 more than six million tons of mercury emissions annually, and
19 while growth in the use of energy efficient fluorescent lighting
20 without expanded recycling will result in increased disposal of
21 mercury in the waste stream, the United States Environmental
22 Protection Agency has concluded that shifting from incandescent
23 lighting to more efficient compact fluorescent lighting will result
24 in a net reduction in total United States mercury emissions due to
25 the displacement of coal fired electricity generation.

26 (h) It is the intent of the Legislature that the State Energy
27 Resources Conservation and Development Commission develop
28 a strategy for substantially increasing the use of energy efficient
29 lighting and phasing out the use of energy inefficient lighting over
30 the next decade.

31 (i) It is the intent of the Legislature that the Department of Toxic
32 Substances Control establish a schedule for the phase down in the
33 use of toxic materials in all lighting products.

34 (j) It is the intent of the Legislature that the Department of Toxic
35 Substances Control, in coordination with the Integrated Waste
36 Management Board, establish a system for the recycling of
37 hazardous lighting products that is free and convenient for end
38 users.

SEC. 3. Article 10.02 (commencing with Section 25210.9) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:

Article 10.02. Lighting Toxics Reduction

25210.9. The department shall, after one or more public hearings, do all of the following, in order to reduce the use of toxic materials in general purpose lights sold in this state:

(a) Prescribe, by regulation, a schedule for reducing the maximum levels of mercury per lumen in general purpose lights sold or available for sale in this state.

(b) Prescribe, by regulation, a schedule for reducing the maximum levels of lead per lumen in general purpose lights sold or offered for sale in this state.

25210.10. For purposes of this article, “general purpose lights” means lamps, bulbs, tubes, or other devices that provide functional illumination in homes, offices, and outdoors.

(a) General purpose lights do not include any specialty lighting.

(b) General purpose lights do not include lights needed to provide special needs lighting for individuals with exceptional needs.

25210.11. Every manufacturer of general purpose lights sold in this state and containing hazardous materials shall be responsible for all of the following:

(a) On and after July 1, 2009, ensuring that a system is in place to provide for the collection and recycling of any end-of-life general purpose lights generated in this state.

(b) On or before July 1, 2008, submitting a plan to the department for the collection, recycling, and proper management of end-of-life general purpose lights generated in this state.

(c) The plan at a minimum shall include all of the following:

(1) The methods to be used by the manufacturer to collect and properly manage the devices generated in this state.

(2) The number and frequency of collection opportunities.

(3) The methods to be used to educate consumers about the opportunities presented in the plan.

(4) The funding mechanisms to be used by the manufacturer to accomplish the plan.

1 SEC. 4. Section 25402.5.5 is added to the Public Resources
2 Code, to read:

3 25402.5.5. The commission shall, after one of more public
4 hearings, do all of the following, in order to reduce the wasteful,
5 uneconomic, inefficient, or unnecessary consumption of energy
6 for lighting by 50 percent by 2018:

7 (a) Develop and implement a statewide strategy for reducing
8 energy consumption for lighting at state facilities by 50 percent.

9 (b) Establish the following standards for general purpose lights:

10 (1) Twenty-five lumens per watt by 2013.

11 (2) Sixty lumens per watt by 2018.

12 (c) Coordinate with the Department of General Services to end
13 the purchase of general purpose lights in state facilities that do not
14 meet the standards set in subdivision (b).

15 (d) Establish programs and incentives to encourage the sale in
16 this state of general purpose lights that meet or exceed the standards
17 set in subdivision (b).

18 (e) For purposes of this section, “general purpose lights” means
19 lamps, bulbs, tubes, or other devices that provide functional
20 illumination in homes, offices, and outdoors.

21 (1) General purpose lights do not include any speciality lighting.

22 (2) General purpose lights do not include lights needed to
23 provide special needs lighting for individuals with exceptional
24 needs.

25 SEC. 5. The provisions of this act are severable. If any
26 provision of this act or its application is held invalid, that invalidity
27 shall not affect other provisions or applications that can be given
28 effect without the invalid provision or application.

29 SEC. 6. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.